Supreme Court, U. S.
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APPENDIX

IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-653

MICHIGAN,

Petitioner,

v.

RICHARD BERT MOSLEY,

Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF MICHIGAN

PETITION FOR CERTIORARI FILED NOVEMBER 26, 1974
CERTIORARI GRANTED JANUARY 20, 1975

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IN THE

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MICHIGAN,

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RICHARD BERT MOSLEY,

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DOCKET ENTRIES

1971

Apr. 10. First Degree Murder Warrant issued against defendant Mosley and he is arraigned on same in Detroit's Recorder's Court.

Apr. 15. Preliminary Examination held in open court and defendant is ordered held for trial on First Degree Murder Charge.

1972

Feb. 2. Evidentiary Hearing held on defendant's motion for suppression of confession before Judge Henry L. Heading. Cause continued to February 3, 1972.

Feb. 3. Evidentiary Hearing on defendant's motion to suppress confession continued. Cause adjourned to February 4, 1972.

Feb. 4. Evidentiary Hearing continued as to defendant Richard Bert Mosley. Motion for Suppression of Confession heard and taken under advisement.

Feb. 7. Motion to Suppress Confession previously heard and taken under advisement is now denied by the Court. The Court finds Richard Bert Mosley's confession to be free and voluntary and holds same admissible in evidence.

Mar. 27. Voir Dire and empanelling of Jury in progress. Court orders cause continued to March 28, 1972.

Mar. 28. Jury is empanelled and sworn and the evidence is heard in part. Court orders cause continued to March 29, 1972.

Mar. 29-31. Jury hears further evidence in the case. Court orders cause continued to April 3, 1972.

Apr. 3. Jury hears conclusion of the evidence and cause continued to April 4, 1972.

Apr. 4. Jury retires to consult upon their verdict, and not having agreed upon a verdict, the Court orders cause continued to April 5, 1972.

Apr. 5. Jury continues to deliberate and after a time say upon their oath that they find defendant Richard Bert Mosley Guilty of Murder in the First Degree.

May 23. Defendant filed a Claim of Appeal in the Michigan Court of Appeals.

1974.

Jan. 14. The Michigan Court of Appeals reversed defendant Mosley's conviction.

Mar. 11. The Michigan Court of Appeals denied the prosecution's application for rehearing.

June 27. The Michigan Supreme Court denied the Prosecution's Application for Leave to Appeal.

Aug. 28. The Michigan Supreme Court denied the Prosecution's Application for Rehearing.

Nov. 26. The Prosecution's Petition for a Writ of Certiorari was filed in the United States Supreme Court.

1975

Jan. 20. The Prosecution's Petition for Writ of Certiorari was granted.

EXCERPTS FROM TRANSCRIPT OF EVIDENTIARY HEARING HELD ON DEFENDANT'S MOTION TO SUPPRESS CONFESSION

VOLUME NO. I

(Session of February 2, 1972)

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(I-11) JAMES COWIE, a witness called on behalf of the People, having been first duly sworn by the Court Clerk, was examined and testified upon his oath as follows:

• • • • •

(12) *Direct Examination*

By Mr. Tatken:

Q. What is your name?

A. James Cowie.

Q. Where are you employed?

A. The Armed Robbery Section of the Detroit Police Department.

• • • • •

Q. And on April the 8th, 1971, did you have occasion to arrest one Richard Bert Mosley?

A. Yes, sir.

Q. Where did you arrest him?

A. In front of his residence, at 3569 Hillger, in the City of Detroit.

Q. What time?

A. It was at 1:05 p.m. on April the 8th, 1971.

Q. What information did you have that prompted you to arrest Richard Bert Mosley on that particular date?

A. It was some time during the first week in April, got an anonymous phone call from—that—and the party gave me the name of several persons that were operating on

the lower east side, holding up places and that, and the name of Richard Mosley and another party—two other men, I (13) believe,—that the information was that they had held up—

Q. What were the names of the other men?

A. An Anthony Smith, and I believe the other name was Charles Little.

Q. Was there anyone else mentioned by this anonymous party?

A. Yes, there was. An Ernest Thompson and a Richard Christian.

Q. Now, did this anonymous party mention anything, other than generally, any specific places that any of these men might have held up?

A. Yes.

Q. And what were they?

A. One was the Blue Goose Bar on Mack, about a block from Hillger.

Q. Can you recall any others?

A. And the other was the Leroy Williams.

Q. Now, when you say Leroy Williams, what do you mean by that?

A. That's—the holdup was supposed to have taken place in the first week or so of January, 1971, outside of a bar, the 101 Ranch Bar; they call it the 101 Ranch or the Hillger Bar there.

Q. And was this Leroy Williams allegedly held up in front of that bar?

A. Yes.

Q. Did you have any other police information re the disposition of Leroy Williams, outside of the alleged holdup?

(14) A. No, sir.

Q. Did anything else happen to Leroy Williams, according to police information, other than the holdup?

A. He was killed.

• • • • •

(16) Q. (By Mr. Tatken): Now, Sergeant Cowie, where were you when you received this telephone call?

A. At work.

Q. And that would be at work at the Robbery B & E Bureau of the Detroit Police Headquarters?

A. Yes, sir.

• • • • •

Q. Oh, I see. But the party that called you didn't identify himself by legal name or any nickname, is that correct?

A. No, sir.

Q. Had you ever heard his voice before?

A. Not that I could recall.

• • • • •

(17) Q. You didn't have any warrant for the arrest of Richard Bert Mosley, did you?

A. No, sir.

• • • • •

Q. After you placed him under arrest, where did you take him?

A. To the 4th floor of police headquarters.

Q. Of police headquarters?

A. Yes, sir.

• • • • •

Q. (By Mr. Tatken): You took him down to the Robbery B & E Bureau, correct?

A. Yes, sir.

Q. What did you do in relation to Richard Bert Mosley once you got him down to the Robbery B & E Bureau?

(18) A. He was advised of his constitutional rights.

Q. And can you recall approximately what time he was advised of his constitutional rights?

A. Not without the benefit of my papers, original papers.

Q. What am I showing to you right now?

A. This is a Constitutional Rights Certificate of Notification.

Q. Have you ever seen that before; that particular one?

A. Yes, sir. This was the one that was read and signed by Mr. Mosley, and the one that he was given the opportunity to read, and that he understood, and that was on April the 8th, 1971, at 2:30 p.m. And signed by Mr. Mosley and signed by myself.

Q. All right. Now, did you read to him the various rights that are contained on that particular form?

A. Yes, sir.

Q. And did you ask him whether he understood those rights?

A. Yes, sir.

• • • • •

Q. (By Mr. Tatken): What specifically did you say? What advice (19) did you give him, if anything?

A. The Constitutional Rights Form was read and explained to the defendant.

Q. All right. And would you tell this Court what specific rights you read to him?

A. That he has a right to remain silent. That he does not have to answer any questions put to him by myself, or make any statements. That any statement that he makes, or anything that he says, can be used against him in a

Court of Law. That he has a right to an attorney present before and during the time that he is talking to me, answering any questions or making any statements. And if he could not afford an attorney, one would be appointed for him without cost, by the Court, prior to any questioning. And he can exercise his right at any time not to answer any questions or make any statements.

Mr. Ziemba: May the record reflect that the witness apparently has read his last answer from a form which he holds in his hand, your Honor. If that is the case. I think it is.

Mr. Tatken: I have no objection to that.

The Court: All right, the record will so show.

Mr. Ziemba: Thank you.

(20) Q. (By Mr. Tatken): Now, so you read to him the rights that are contained on that Certificate of Notification that you are holding in your hand?

A. Yes, sir.

Q. And did you ask him to sign that particular form?

A. I asked him to also read it.

Q. Did he read it?

A. Yes.

Q. Did he ask you for any explanation of his rights?

A. No. He stated he completely understood them.

Q. And did he sign that form in your presence?

A. Yes, sir.

Q. Now, what were you about to question him about?

• • • • •

(22) *Direct Examination* (Continued)

By Mr. Tatken:

Q. Now, Sergeant Cowie, after you advised the defendant Mr. Mosley of his constitutional rights, what were you seeking to question him about, or specifically, what questions did you ask him?

A. I talked to Mr. Mosley in regards to several robberies that had been committed in the lowest east side, out around the vicinity of Mack and the Hillger area.

Q. Were you questioning him at all about the alleged robbery and murder at the 101 Ranch Bar at 3401 Hillger, in the City of Detroit, allegedly occurring on January 9, 1971?

A. No, sir.

Q. Now, did he at any time during that questioning request an attorney?

A. No, sir.

Q. Did he make any comment to you at all regarding your questioning? Not necessarily in regards to the answer to those questions, but other than asking for or the lack of asking for an attorney?

Let me rephrase that question.

You say he didn't ask for an attorney during the questioning, is that correct?

A. No, sir, he did not.

Q. Did he ask to call his family?

(23) A. No, sir.

Q. Did he ask to call anyone?

A. No, sir.

Q. Did he answer your questions about these alleged holdups on the lower east side?

A. Yes, sir.

• • • • •

Q. (By Mr. Tatken): Did the questioning terminate at some time?

A. Yes, sir.

Q. How did the questioning terminate?

A. I notify (sic) Sergeant Hill that I would like to turn him over to him for questioning in regards to the Leroy Williams case.

Q. And you didn't question him at all on the Leroy Williams case, is that correct?

A. No, sir, I did not.

(24) Q. Now, what time did you start questioning Mr. Mosley?

A. It was around 2:30 in the afternoon.

Q. What time did you finish with him?

A. It would have been before 4 o'clock. Around 4 o'clock.

Q. Now, did you make any promises to him in return for the testimony—strike that—the statement that he might give to you, or any other officer, about the holdup murder at the Ranch Bar—101 Ranch Bar at 3401 Hillger, in the City of Detroit, on January 9, 1971?

A. No, sir, I did not.

Q. Did you physically mistreat him in any way?

A. No, sir.

Q. And about 4 o'clock did you turn him over to officers from the Homicide Bureau for questioning?

A. Yes, sir.

Q. Did you physically take him to the Homicide Bureau?

A. No, sir. He was placed on the 9th floor.

Q. So at about 4 o'clock he was placed on the 9th floor, something like that?

A. Approximately, yes.

Q. And did you contact Homicide to indicate that he had been arrested and was on the 9th floor, and you had questioned him?

A. Yes, sir.

Q. Who did you speak to at Homicide, if you can recall?

(25) A. Sergeant Hill.

Mr. Tatken: I have no further questions. You may cross examine.

Mr. Ziemba: Thank you, your Honor.

— — —

Cross Examination

By Mr. Ziemba:

• • • • •

Q. Can you tell the Court, sir, when it was that you received this anonymous telephone call of which you spoke?

(26) A. It was some time during the first week in April. It was either the date—it could have been the day before that we made the arrest. This I can't be too sure of, Mr. Ziemba.

Q. But it was on some date—it was on some day prior to April 8th of 1971?

A. Yes.

Q. Do you recall at all, Sergeant Cowie, what time of the day you received this telephone call?

A. It would have been between 8 in the morning and 4 in the afternoon, because I was working days.

Q. And it could have been a day or more before April 8th?

A. It could have been, yes.

Q. I take it you made no record, in terms of notes or anything, of that telephone conversation?

A. No, sir.

Q. At the conclusion of your conversation with this anonymous telephone caller, did you apply to any judge or magistrate for a warrant of arrest for Mr. Mosley?

A. No, sir.

Q. For what offense specifically did you arrest Mr. Mosley at 1:05 p.m. or thereabouts on April 8th of 1971?

A. For investigation of the robbery armed of the Blue Goose Bar and the White Tower Restaurant on Mack.

Q. Was the White Tower Restaurant mentioned to you during your (27) telephone conversation with this anonymous caller?

A. Yes.

Q. And the Blue Goose Bar also?

A. Yes.

Q. Would it be fair to say, Sergeant Cowie, that you arrested on April 8th, 1971, solely and exclusively on the information that you received from this anonymous telephone caller?

A. Yes.

• • • • •

(31) Q. But the question is, why did you not request a warrant for Mr. Richard Mosley?

A. Because it was learned that he wasn't involved in the robbery armed of the Blue Goose Bar.

Q. All right. And is that the same reason why you did not apply for a warrant of arrest for Mr. Richard Mosley in connection with the armed robbery of the White Tower Restaurant?

A. No, sir.

Q. What was the reason, sir?

A. At approximately 4 o'clock he was turned over to Sergeant Hill.

Q. Well, the question is, sir,—the question is, sir, why did you not apply at 2:15 p.m., after you arrived at police headquarters, for the warrant for Mr. Richard Mosley for the armed robbery of the White Tower Restaurant, at 2:15?

A. At 2:15 I hadn't had time to talk to him.

Q. Well, did you feel that you needed more information, before you could apply for a warrant for the armed robbery of the White Tower Restaurant?

A. Yes.

Q. Now, there is no question, is there, Sergeant Cowie, that between 2:15 p.m. on April 8th and the hour of, say, 4 p.m. (32) or 4:30, you did not take Mr. Mosley before any judge in any court?

A. No, sir, I did not.

Q. Was there anything which would have physically prevented you from taking Mr. Mosley before some judge in the Recorder's Court between the hour of 2:15 p.m. and say 4 p.m. or 4:30, on April 8th of 1971?

• • • • •

(33) A. I still don't understand by physically.

Q. Taking him and walking him over?

A. No, sir.

Q. You could have done that if you wanted to, is that right? (34) Presented him to a judge?

A. It was physically possible.

Q. Why didn't you do that, sir?

A. Because I hadn't completed the investigation at 2:30.

• • • • •

Q. I take it that Mr. Richard Mosley made a categorical denial of participating in any of the robberies about which you questioned him?

A. I think at that time he declined to answer whether he had been involved.

Q. He declined to answer?

(35) A. Yes. Anything about the robberies.

Q. For what period of time did you question Mr. Richard Mosley on the occasion of which you speak?

A. Including filling out the necessary arrest papers and that, it couldn't have been more than fifteen or twenty minutes.

Q. Is that fifteen or twenty minutes—

A. That would have brought—

Q. —after 2:15?

A. After 2:30.

Q. After 2:30?

A. It was probably some time between — around 3 o'clock.

Q. Did you answer to one of the prosecutor's questions that you finished talking to Mr. Williams (sic) at 4 p.m. or thereabouts?

A. Yes, sir.

Q. Was that correct?

A. There was another party involved in the arrest that afternoon, and that was—

Q. I speak of Mr. Richard Mosley, sir.

A. That's when I finished talking to Mr. Mosley, yes. That I was through with him.

Q. Yes. You started at more or less 2:30 with Mr. Mosley?

A. Yes.

Q. And you finished at 4 p.m., is that right?

A. Now, you mean talking continuously to him?

(36) Q. Well, this is what I am trying to determine. To him.

A. No, I didn't talk continuously from 2:30 till 4 to Mr. Mosley alone.

Q. All right. Now, how much time was devoted, sir, to your questioning of Mr. Mosley?

A. From 2:30 till approximately—it was approximately twenty minutes.

Q. Say to more or less 3 o'clock, would that be fair?

A. The first time I talked to him, yes.

Q. Now, you talked to him a second time before 4:30, or before 4 o'clock?

A. I believe I did, yes.

Q. Who was the other person to whom you were talking between 2:30 and 4 p.m.?

A. Anthony Smith.

Q. Now, were you talking to these two individuals in their—each other's presence, were they both present at the time you spoke to each?

A. No.

Q. You spoke to Mr. Smith separately from your speaking to Mr. Mosley?

A. Yes.

Q. So that Mr. Mosley didn't hear what you had asked Mr. Smith, is that right?

A. That's right.

(37) Q. And Mr. Smith didn't hear what you asked Mr. Mosley?

A. That's right.

• • • • •

Q. Now, was it during your first conversation between the hours of 2:30 and 4, or during your second conversation during the hours of 2.30 to 4 that Mr. Mosley declined to answer questions?

A. The first.

Q. And did Mr. Mosley answer any questions during your second questioning of him between these hours?

A. The second time that I talked to Mr. Mosley was just to inform him that I was turning him over to the Homicide Bureau and Sergeant Hill.

Q. Did you talk to Sergeant Hill personally concerning your turning Mr. Mosley over to him?

(38) A. I believe I did, yes.

Q. Did you tell Sergeant Hill that Mr. Mosley had refused to answer your questions?

A. No, I didn't. I don't believe I did.

The Court: What was the answer? You say you believe you did?

The Witness: I don't believe I told him that he was—

The Court: Oh.

The Witness: —had refused to answer my questions, no.

Q. (By Mr. Ziemba): What did you tell him?

A. I didn't say he refused. He just declined.

Q. I beg your pardon?

A. He didn't refuse to answer, he declined to answer any questions.

Q. Is this what you told Mr. Hill?

A. No, I didn't tell Sergeant Hill that. No.

Q. What did you tell Sergeant Hill concerning Mr. Mosley and your contact with him, or your questioning Mr. Mosley?

A. I just turned the prisoner over to Sergeant Hill.

Q. Without saying a word to him? That is, to Sergeant Hill.

A. We had conversation, but I don't recall.

Q. What was it, sir?

A. I don't recall the exact words verbatim.

(39) Q. Well, do you recall the contents, any of the remarks that you made to Mr. Hill on the occasion of turning Mr. Mosley over to Mr. Hill?

A. That I was turning him over to him for further questioning in the Leroy Williams thing.

Q. For further questioning?

A. No, for questioning. For further questioning in regards to that. I didn't talk to the kid, to Mr. Mosley about that.

Q. Of Leroy Williams?

A. Right.

Q. Is that because you hadn't arrested him for that crime?

A. Because Sergeant Hill knew the facts, and—

Q. No, answer the question.

A. Pardon?

Q. Is it because you had not arrested Mr. Mosley for that offense?

A. I wasn't in charge of that investigation, Mr. Ziemba.

Q. And that to the best of your recollection is all that you said to Sergeant Hill concerning Mr. Mosley?

A. That I can recall, yes.

Q. Was any other person present during any of your conversations with Mr. Mosley on April 8th of 1971?

A. I don't believe so, no.

• • • • •

(40) *Re-direct Examination*

(46) Q. (By Mr. Tatken): Did you know of the alleged holdup and murder of one Leroy Williams on January the 9th, 1971, prior to receiving that telephone call?

A. Yes.

Q. And how did you know of that?

A. Through the—our DB write-ups and our pattern sheets.

Q. And after getting that telephone call, did you make any check on any particular DB write-ups relating or anything relating to the alleged holdup and murder at the 101 Ranch Bar on January 9, 1971?

• • • • •

(47) The Witness: I went out to investigate him on investigation of the White Tower Restaurant and other robberies, and that's what I talked to him about.

Q. (By Mr. Tatken): No, but my question was, after getting that telephone call, did you review any police documents in relation to the alleged holdup and murder at the 101 Ranch Bar on January the 9th, 1971, involving the deceased Leroy Williams?

A. Yes.

Q. What did you review?

A. Our pattern sheets and our DB write-ups.

Q. And that's prior to going out to arrest him?

A. Yes.

• • • • •

VOLUME NO. II

(Session of February 3, 1972)

• • • • •

(53) JAMES COWIE, a witness called on behalf of the People, having been previously duly sworn, resumed the stand and testified further upon his oath as follows:

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(76) *Re-cross Examination*

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By Mr. Ziemba:

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Q. Drawing your attention once again to People's Proposed Exhibit No. 1, Sergeant Cowie, at the conclusion of your reading of the form which is People's Proposed Exhibit No. 1 to Mr. Richard Mosley on April 8th of 1971, at about 2:30, what then, if anything, did you say to Richard Mosley?

Did you then begin questioning him?

A. Yes.

Q. Do you recall concerning of what subjects specifically you (77) began questioning him?

A. The White Tower Restaurant.

The Court: Now when and where was this?

Mr. Ziemba: This was on April 8, 1971, at about the hour of 2:30 p.m.

The Court: Where?

Mr. Ziemba: In police headquarters.

The Court: Police headquarters?

Mr. Ziemba: Yes.

The Court: And is this before or after you allegedly advised him of his constitutional rights?

The Witness: This was after.

The Court: All right.

Mr. Ziemba: Yes, this was immediately after the witness read the form, which is People's Exhibit No. 1.

The Court: All right.

Mr. Ziemba: The Constitutional Rights.

The Court: All right. I want to get it all straight; in order.

Mr. Ziemba: Yes.

Q. (By Mr. Ziemba): Did you question Mr. Mosley about any other robbery at that time?

(78) A. No, sir.

Q. Just the White Tower Restaurant robbery?

A. Yes, sir.

Q. After you read People's Exhibit—strike that please. Now, to the best of your recollection, sir, this is the content of your statements to Mr. Mosley at the time we speak of, you read the Miranda Rights, so-called, you had Mr. Mosley sign the Miranda Rights form, which is People's Exhibit No. 1, and then you began asking questions of Mr. Mosley, is that true?

A. After he was satisfied with the Constitutional Rights form.

Q. I understand that. He signed it,—

A. Yes.

Q. —stating that he understood, is that right?

A. Yes. Yes.

Q. Was there any other conversation concerning the Miranda Rights, or that form which is People's Exhibit No. 1?

A. No, sir.

Q. You're sure of that?

A. Yes, sir, I'm sure.

Q. I think you testified yesterday that Mr. Mosley did not ask to see an attorney, is that true?

A. Yes, sir.

• • • • •

(80) Q. (By Mr. Ziemba): Since your testimony yesterday, Sergeant Cowie, and this morning, has your memory been refreshed in any manner concerning what, if anything, you said to Sergeant Hill when you placed Mr. Mosley, you might say, in the custody of Mr. Hill on April 8th of 1971?

A. No, I don't recall anything positive that I said to him. No.

Q. Do you recall mentioning anything to Mr. Hill at all that you got nothing out of Mr. Mosley, or that he refused to answer questions?

A. No, sir.

(81) Q. Nothing at all?

A. Not that I can recall.

• • • • •

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GILBERT HILL, a witness called on behalf of the People, after having been first duly sworn by the Court Clerk, was examined and testified upon his oath as follows:

Direct Examination

By Mr. Tatken:

Q. What is your name?

A. Gilbert Hill.

Q. Where are you employed?

A. City of Detroit, Homicide Section.

Q. How long have you been so employed there?

A. I have been in homicide for over a year and a half.

Q. Are you one of the officers in charge of the case of the People versus Richard Bert Mosley and Anthony Smith?

(82) A. I am.

Q. In such capacity did you have occasion to see one Richard Bert Mosley at the Detroit Police Headquarters Homicide Bureau on April 8, 1971?

A. Yes, I did.

• • • • •

Q. (By Mr. Tatken): What time did you first see Richard Bert Mosley on April 8, 1971, at the Detroit Police Headquarters?

A. Approximately 6:20, 6:25, something like that.

Q. And where did you see him at this time at the Detroit Police Headquarters?

A. I first saw him on the 9th floor when I went up to get him.

Q. And what did you go up to get him for?

A. To take him to the Homicide Section.

Q. For what purpose?

A. For interrogation.

Q. Interrogation concerning what particular matter, if anything?

A. The fatal shooting of Leroy Williams.

Q. And what was the date of that fatal shooting of Leroy Williams?

A. I believe it was the 1st—the 9th of January, 1971.

Q. And where did that happen?

(83) A. It happened on Goethe, approximately 150 feet west of Hillger.

Q. Is that in the City of Detroit?

A. Yes, sir, it is.

Q. Was it alleged that that was a holdup murder?

A. Yes, sir, it was.

Q. Now, prior to seeing Mr. Mosley on the 9th floor, did you have any conversation with Detective Sergeant James Cowie, or any STRESS officers, specifically John Fabian or Charles Zarkis, concerning the arrest of Mr. Mosley and subsequent interrogation?

A. Briefly.

Q. Who did you have your conversation with and at what time?

A. I believe it was Sergeant Cowie, and—can I explain how I got to this?

Q. Yes.

A. We had been in the street working on another homicide—

Q. By "we," who do you mean?

A. I mean my partner at the time, Sergeant Mason.

Q. Go ahead.

A. When we came in around 3:30 or so in the afternoon, we were told by the executive lieutenant, who at that time was Lieutenant Domm, that a man was in custody who was suspected of a fatal shooting of Leroy Williams. And we were told that we could get more details from the holdup squad.

(84) And it was near quitting time at that time, and we didn't have too much time to talk; there was most of them getting off, and I believe I spoke to Sergeant Cowie, and he told me that he had talked to Smith and Mosley and someone else regarding some holdups out on the east side, and that he was turning him over to us for investigation regarding murder.

Q. Now, did Sergeant Cowie tell you that Mr. Mosley had given a statement regarding these alleged holdups?

A. He told me that he hadn't given any statement at all, I believe he denied implications (sic) or something like this.

• • • • •

(85) Did Sergeant Cowie say anything to you about Mr. Mosley requesting an attorney during any part of that interrogation?

A. He just said they had been at—the two men had been advised of their rights, and he stated that both of them denied implication in any robberies. He said that he had advised them—

Q. Pardon?

A. He stated that he had advised them, and he told me that he had the Miranda warning form there.

Q. But outside of that, did Sergeant Cowie tell you that at any time during his interrogation of Mr. Mosley re alleged holdups, that he had wanted an attorney?

(86) A. Not that day, but the next day he did.

Q. Let me get that straight now.

The next day what?

A. Well, I assumed that you are asking me what had happened on the 8th of April.

Q. Yes, that's what I'm interested in.

A. Right.

Q. Did Sergeant Cowie prior to the time that you started questioning Mr. Mosley tell you that Mr. Mosley had requested an attorney during any part of the interrogation?

A. No, he did not. No, he did not tell me that.

The Court: You said the next day he told you, though?

The Witness: Yes, sir.

The Court: Who told you the next day?

The Witness: Sergeant Cowie. I asked him the next day specifically.

The Court: Yes?

The Witness: Because of what had happened.

The Court: And then what did Sergeant Cowie tell you?

The Witness: He said, no, he had not requested an attorney. And I asked him if he had asked to call his parents. He said he had given him an opportunity, (87) and he said, as a matter of fact, his father was there when he was arrested.

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Q. And at what time did you bring him down to the 5th floor?

A. As I said, I went upstairs to get him about 6:20 or 6:25, something like that.

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(88) Q. Now, when you brought him down, did you also bring down another defendant by the name of Anthony Smith?

A. Oh, when I took Smith back upstairs, this is when I brought Mosley down.

Q. Had you talked to Smith already?

A. Yes, sir, I had.

Q. Prior to talking to Smith, had you advised him of his constitutional rights?

A. Yes, sir.

Q. At what time did you talk to Smith, if you can recall?

A. I have no independent recollection of the time.

Q. But it was before you brought Mosley down?

A. Yes, sir, it was.

Q. Did Smith give you a statement in regard to the alleged holdup murder occurring on January the 9th, 1971, concerning the deceased Leroy Williams?

A. Yes, sir, he gave us an oral statement at that time.

Q. Did it implicate himself as well as the defendant Richard (89) Bert Mosley?

A. Yes, sir, it did.

The Court: Was Mr. Mosley present when he gave you the statement?

The Witness: No, sir.

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Q. (By Mr. Tatken): Okay. Now, you brought Richard Mosley down to the homicide bureau, correct?

A. Yes, sir.

Q. And about what time would that be?

A. 6:25, 6:30; something like that.

Q. And what did you do in relation to Richard Mosley at this time at the Homicide Bureau?

A. The first thing I did was I got two Miranda warning forms out.

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(90) Q. (By Mr. Tatken): I will show you People's Proposed Exhibit No. 2, and what is that, please?

A. This is Detroit Police Department constitutional rights certificate of notification.

Q. Is that one of the two forms you got out—

A. Yes, sir.

Q. —on that day?

(Handing exhibit to Mr. Ziemba)

Mr. Ziemba: Thank you, Mr. Tatken.

Q. (By Mr. Tatken): Now, after getting out those two forms, what did you do with the one that you have identified as People's Proposed Exhibit 2?

A. I told him to read it to himself.

Q. You told who to read what to himself?

A. Mr. Mosley. I asked him if he could read. And I told him I wanted him to read this to himself.

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(91) Q. (By Mr. Tatken): You told him to read that form to himself?

A. Right. After I asked him if he could read.

Q. And did he reply that he could read?

A. Yes, sir.

Q. Did you ask him how far he had gone in school?

A. Yes, sir.

Q. What did he say to that?

A. He told me he went through the 10-A at Southeastern High.

Q. And did he appear to be reading that particular form?

A. Yes, sir.

Q. And that's the standard, is it not, Constitutional Rights Certificate of Notification form printed by the Detroit Police Department?

A. Yes, sir. Distributed by the Detroit Police Department, I know.

Q. Might be printed by some private printer, correct?

A. Right.

Q. All right. Now, he appeared to be reading this, correct?

A. Right.

Q. By that, his eyes scanned the particular paper?

A. Right.

Q. Did he repeat it out loud as some people do?

A. Not then. I told him to read it silently.

Q. And did he do so?

(92) A. Yes. When he said he was through, then I told him to read it out loud.

Q. And did he read it out loud?

A. Yes, sir.

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A. I had him read it to himself. Then I had him read it out loud. Then I read it to him as I explained it to him.

Q. Did he read it back aloud the same way as you read it to him?

(93) A. No, he read it silently.

Q. Yes.

A. Then he read it out loud. I wanted him to do that so I could know that he could read.

Q. Okay.

A. And then when he did that, then I went through and explained it to him.

Q. But not only did he read it silently, he read it out aloud, and then you read it out aloud to him, is that correct?

A. I assumed he read it silently. Then he read it out aloud. And then I went through and explained it to him.

Q. All right. And was he reading it back correctly? Were you comparing it with the form?

A. Yes, sir, he was.

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Q. (By Mr. Tatken): Then you say you explained it to him?

A. Yes, sir.

Q. Did he ask for any explanation of any of 1 through 5?

(94) A. Nothing specific. I made it plain.

Q. May I see that form?

Did he indicate to you that he understood his rights?

A. Yes, sir, he did.

Q. And did he sign that form in front of you?

A. Yes, sir, he did.

Q. At what time?

A. At 6:35 p.m. on the 8th of April, 1971.

Q. Now, at any time did he ask for an attorney?

A. No, sir, he did not.

Q. At anytime during your questioning did he ask to make a telephone call?

A. He did not ask to make a phone call. I think he stated he had already made one. He said his father was there when he was arrested.

Q. Did he ask at any time during your questioning to see any of his relatives?

A. No, sir. He said that his father was present when he was arrested.

Q. Did he ask at any time that the questioning be terminated?

A. No, sir, he did not.

Q. Now, did you take a statement from him?

A. Yes, sir, I did

Q. Prior to taking that statement from him, did you promise (95) him anything in return for that statement?

A. No, sir, I did not.

Q. Did you physically mistreat him in any way?

A. No, sir, I did not.

Q. Did you tell him at this time, prior to taking a statement from him, that Anthony Smith had already confessed to this particular crime and had implicated him?

A. I did.

Q. Did you tell him he had better confess because his accomplice had?

A. No, sir.

Q. Did you tell him that Anthony Smith, because of his confession, was going to get some sort of special treatment?

A. No, sir, I did not.

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(96) Q. What time did you obtain a statement from the defendant Richard Mosley?

A. Some time after 6:35 p.m. on the 8th of April, 1971.

Q. How long approximately after 6:30?

A. This is one continuous action; this form was signed at 6:35, and we went right through it.

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(100) Q. (By Mr. Tatken): Now, after he gave a statement to you, what did you do with Mr. Mosley?

A. I took him back upstairs.

Q. And did you have any conversation with him as you took him back upstairs?

A. Yes. He said—when we got around to the elevator he said a couple of things.

Q. What did he say to you at this time?

A. He said they were really sorry, and that he repeated that they were junkies, and said that he felt more better.

Q. More better about what?

A. Since he talked to me.

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(101) *Cross Examination*

By Mr. Ziemba:

Q. When you talked to Sergeant Cowie on April 8th in the afternoon, Mr. Hill, did Sergeant Cowie tell you that the—that Mr. Mosley had signed one of these Miranda forms issued by the Detroit Police Department, one of—I think it is Exhibit 1?

A. No, he didn't.

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(102) Q. On April 8th, before you talked to Richard Mosley,—

A. Okay.

Q. —did you learn from any source whatever that Richard Mosley had signed one of these Miranda forms supplied by the Detroit Police Department, or any other police officer?

A. No, sir.

Q. You had not?

A. No, sir.

Q. After you read—after you read to Mr. Mosley the form which has been marked People's Exhibit No. 2, and explained the individual items appearing on the form, which is People's Exhibit No. 2, what then, if anything, did you say to the—to Mr. Mosley?

A. Well, may I straighten you out, please?

Q. All right.

A. There were two forms. I gave him this form to read, and to read back to me.

Q. Yes?

A. And then I had him hold this form while I read the other form, another form to him, so that he would be looking at this while I was explaining this to him. So this is

not the form that I read, although it says the same thing, (103) and was printed at the same time.

Q. All right, I stand corrected.

A. Do you understand?

Q. Yes. You had in effect another blank identical form?

A. Right.

Q. And you had Mr. Mosley hold in his hand what has been marked People's Exhibit No. 2?

A. This one, yes, sir.

Q. And you were reading identical language from this other blank form which has not been marked an exhibit?

A. No, sir.

Q. You were reading that aloud to him, and Mr. Mosley presumably was reading the Exhibit No. 2 which he held in his hand?

A. Yes, sir.

Q. And after you finished your reading you explained some things to him, did you not?

A. Yes, sir.

Q. Wasn't that your testimony?

A. Yes, sir.

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Q. Would it be fair to say then that you then proceeded to the questioning of Mr. Mosley concerning the robbery and killing (104) of Leroy Williams?

A. Yes, sir.

Q. Do you recall what the very first thing you said to Mr. Mosley was?

A. I don't recall the exact words, no, sir.

Q. But you do recall in—what the thought was that you were conveying to—

A. Yes. That he was accused of the—accused of being the shooter in the holdup shooting of Mr. Leroy Williams, and I asked him if he wanted to tell me about it.

Q. Did you tell him—did you tell Mr. Mosley who the accuser was?

A. Not at that time.

Q. When did you first mention Anthony Smith's name to Mr. Mosley?

A. When Mr. Mosley denied being involved at all.

Q. And when did Mr. Mosley deny being involved at all?

A. Almost right away.

Q. Would it be fair to say it was immediately after you informed Mr. Mosley that he had been accused of being the shooter in the Williams murder?

A. Almost immediately.

Q. And to his denial you rejoined with the information that Anthony Smith had confessed, is that true?

A. Yes, sir.

(105) Q. And that Anthony Smith in his confession implicated—

A. Yes, sir.

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Q. What else did you say to Mr. Mosley on the subject?

A. And that Anthony Smith had admitted that they had planned the holdup inside the bar, and that Anthony Smith and Charles Little were to grab the man and hold him, and he was to put the gun on him, and that he had panicked and shot the man.

Q. Did you tell Mr. Mosley anything else at this time on that subject?

A. I don't recall, but I might have.

Q. Do you recall whether Mr. Mosley made any comment or reply to these statements or this information?

A. No. I seem to remember what is the use look on his face.

Q. What's the use look on his face?

A. Yeah; like that.

Q. What then did you say, if anything?

A. I didn't say anything. Then he decided to tell me about it. (106) Then he said that he didn't—he was not trying to kill the man, and that—

Q. All right. Now,—now before—before that point is reached, allow me to interrupt you, Mr. Hill.

Is it your testimony that you never mentioned to Mr. Mosley the potential difficulty that he was in in view of the statement—the confession of Anthony Smith?

A. I don't know exactly how you mean that.

Q. Did you say to Mr. Mosley, now, look, we have a confession from Anthony Smith, and he put you right in the picture, or something of that nature, and you've got Murder One looking at you, or anything of that nature?

A. I told him—

Q. It looks bad for you?

A. —I told him they were charged with Murder, and I told him that all we had at that time was Anthony Smith's statement, and Anthony Smith said that he was the man with the gun.

And I also told him that as far as we know for sure, since we were not there, Anthony Smith might have been the man with the gun.

The Court: You say Anthony Smith might have been the man with the gun?

The Witness: Yes, sir.

(107) Q. (By Mr. Ziemba): Did you tell him anything about the difficulty that he was in, the seriousness of the offense?

A. I told him he was under arrest for Murder, being interrogated, First Degree Murder, holdup murder.

Q. Did you tell him what the penalty was?

A. No, I didn't.

Q. Did you tell Mr. Mosley he could go to jail for life?

A. No, I didn't.

Q. Did you mention anything at all to Mr. Mosley about the advisability of his being open and honest and forthright with you, Mr. Hill?

A. Did I—you mean, did I tell him he would be better off if he confessed, or something like this?

Q. Did you make any mention at all?

A. No, not in that manner.

Q. In what manner?

A. I didn't make any mention in that manner. I didn't make any statement to (sic) that sort.

Q. You did not?

A. No, sir, I did not. We talked the next day.

Q. So that it's your testimony you gave the Miranda warning, so-called—

A. Yes, sir.

Q. —to Mr. Mosley?

A. Yes, sir.

(108) Q. Then you told Mr. Mosley that Anthony Smith had confessed and said that Mr. Mosley was the trigger man?

A. Right.

Q. Right?

A. I told him exactly what Anthony Smith had told me.

Q. And then Mr. Mosley proceeded to tell you the contents of the statement which is proposed Exhibit 3 for the People, is that right?

A. Yes, sir.

Q. And you had no other conversation, you addressed no other remarks to Mr. Mosley at this time?

A. There might have been something said, but there was nothing along the vein that you are suggesting.

Q. Well, tell us what you said.

A. I said there might have been—I don't remember that far back, sir, this was almost a year ago.

* * * * *

(109) Q. I understand. Isn't it true, Mr. Hill, that when you were interrogating Anthony Smith, that you told Anthony Smith that Richard Mosley had confessed?

* * * * *

(115) Q. (By Mr. Ziemba): Give us please, Mr. Hill, the date and the time when you received a confession from Anthony Smith.

A. I talked to Anthony Smith some time after 4 p.m. on the 8th.

Q. But specifically answer the question, sir. Give us the date and the time that you received a confession from Anthony Smith.

A. I'm trying to be specific, counsellor.

Q. Yes.

A. I talked to Anthony Smith some time between 4 p.m. and some time after 4 p.m. and before 6:35 p.m. on the 8th of April. And we talked to him again and took a statement the next morning.

Q. It's your testimony, then, sir, that you took a formal written so-called statement from Anthony Smith on April 9th?

A. Yes, sir.

Q. But you took an oral admission and confession from Anthony Smith some time before 4 p.m. and 6:35 p.m.?

A. Right.

* * * * *

(117) Q. Can you explain to the Court, sir, why your method of operation was different in the taking of a confession from Anthony Smith from your taking the confession from Richard Mosley?

A. I don't see where it is different.

Q. Well, it is different in this respect, I suggest, Mr. Hill, that on April 8th, between the hours of 4 p.m. and 6:30 p.m. you took an oral statement from Anthony Smith, but you did not reduce that confession to writing until the (118) morning of April 9th.

Whereas you testified that you took an oral statement from Richard Mosley at about 6:30 p.m. and reduced it to writing at 6:35 p.m. on April 8, 1971.

A. Yes, sir.

Q. What is your explanation, sir?

A. Well, the difference there is when we talked to Richard Mosley—I mean to Anthony Smith, he stated that he was in the bar, that he was present there, he saw the gun, but he was placing all the blame on Richard Mosley. And this is why we did not reduce this to writing at that time. I wanted to hear—I wanted to inform Mr. Mosley what Anthony Smith had said.

Q. Yes. Now isn't it a fact, Mr. Hill, that after talking to Richard Mosley you went back to Anthony Smith and told Anthony Smith that Richard Mosley had confessed?

A. The next morning.

Q. Isn't that a fact?

A. The next morning we talked to—

Q. That is a fact?

A. The next morning, yes, sir.

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(120) Q. (By Mr. Ziemba): Mr. Hill, when you were questioning Anthony Smith on April 8th, between 4 p.m.

and 6:30 p.m., (121) did you tell Anthony Smith or suggest to him in any manner that Richard Mosley had confessed in the matter of the killing of Leroy Williams?

A. No, sir, I did not.

• • • • •

(124) A. Since he had helped us. This was after I took the statement from him.

Q. And you were referring to what, Mr. Hill, in terms of Anthony Smith having helped you?

A. He told us what happened on the—on the 8th when I spoken (sic) to him. He told us what happened. And then Richard Mosley confessed. And the next morning I took a statement from Anthony Smith, and after the statement he asked some questions about what was going to happen to him.

Q. But it is your testimony that you never suggested any special treatment or leniency to Anthony Smith when you questioned him on the 8th, between 4 and 6 p.m.?

A. That is correct. It's right in his statement. It's right in Anthony Smith's statement.

Q. I understand. Did Anthony Smith at any point during your contact with him concerning the Leroy Williams killing deny his guilt in that homicide?

A. He denied pulling the trigger, or planning the robbery, but he did not deny being there and witnessing the robbery.

Q. Is it your testimony, Mr. Hill, that Anthony Smith never denied to you that he had robbed Leroy Williams, or that he was involved in it in any manner?

A. He denied that he had robbed the man or touched the man, but he did not deny being there and seeing the man grabbed, or hearing the shot. He did not deny this. But he denied (125) a physical participation in the robbery itself.

He said he did not go through his pockets, he did not grab the man, he did not shoot him.

The Court: How did he involve himself then?

The Witness: He said that when they were in the bar that Richard had a gun, and Charles Little had seen a man at the bar with some money with a bank roll, and Charles Little asked Richard for his gun. And Richard told him he wasn't giving anybody his gun.

And then Richard or Charles, I can't remember now which, told him to go up to the bar and check the man out for money, see how much he had. And he said he went up to the bar and saw a roll, and he came back and told them.

Then they continued to play pool off and on.

The Court: So all Anthony Smith did was went up to the bar and checked the man out?

The Witness: Right. And he said he agreed with Anthony Smith, and he agreed with Richard Mosley and Charles Little, that Little and he would grab the man while Richard held the gun on him. He said he agreed, but he said he refused to do this after he got outside.

(126) Q. (By Mr. Ziemba): Now, you are speaking of Anthony Smith's statement on the 8th or on the 9th?

A. This is on the 8th.

Q. Is it your testimony, Mr. Hill, that the oral statement which you received from Anthony Smith on April 8th, between 4 p.m. and 6:30 p.m.—

A. Right.

Q. —was in material respects identical with the statement that you took from Anthony Smith on the morning of April 9th?

A. I would say it was quite similar, yes. Quite similar.

Q. Let me ask you this. Quite frankly, Mr. Hill, did Anthony Smith dig the hole deeper for himself by his statement on April 9th that he had dug in the hole by his statement on April 8th?

Did he further implicate himself by that statement?

A. I would say yes.

Q. In what respect, sir?

A. Well, I specifically asked him why he was telling us this now. If I can remember correctly.

Q. You're speaking now of what, sir, on the 9th?

A. On the 9th. And he said that because you told me to tell you the truth.

And then my next question was, even (127) though you might spend a considerable portion of your life in prison?

And he said yes.

And I would say that's digging the hole deeper.

Q. Did you ask Anthony Smith to tell you the truth on April 8th?

A. Yes, sir.

Q. Would you say, Mr. Hill, that your, you might say, modus operandi in eliciting confessions from suspects is to immediately reduce what you regard to be a confession to writing immediately after the suspect has spoken the confession?

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(129) Q. (By Mr. Ziemba): When you were finished talking to Anthony Smith on April 8th, between 4 and 6:30 p.m., did you feel that you had a confession of guilt from Anthony Smith?

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The Witness: What I thought I had at that time was at least a witness to the murder of Leroy Williams.

Q. (By Mr. Ziemba): So that your answer is that you did not think that you had a confession of guilt from Anthony Smith?

A. I think we had—I knew we had an accomplice, and I knew we had a witness.

Q. Can you answer the question, Mr. Hill?

A. You asked me if we thought we had a confession of guilt?

Q. You did?

A. No, that's not what I though at that time. I'm trying to (130) tell you what I thought at that time.

Q. Then your answer is no?

A. My answer is no.

Q. But I think your testimony was that when you—later that evening, at 6:35 or thereabouts on April 8th, when you spoke to Richard Mosley, you told Richard Mosley that Anthony Smith had confessed and implicated Richard Mosley?

A. I did.

The Court: Was there any particular reason why you would tell him that if you didn't think the man had confessed?

The Witness: Yes, sir.

The Court: What reason?

The Witness: I have done it a lot of times when there has been no confession.

The Court: Yes, but why do you do that? Are you trying to get him to confess by telling him that?

The Witness: I wasn't trying to get him to confess in this instance, but I have done that.

The Court: With that expectation?

The Witness: Yes, sir.

The Court: In other words, you are going to trick him into it?

The Witness: Well, I would tell them (131) their partners have confessed.

The Court: I mean, you are going to trick him into it?

The Witness: To see if he would deny it. No, sir, I don't always tell a prisoner the truth.

The Court: You don't think you should?

The Witness: I would tell him sometimes we have their fingerprints, and we don't have it, or something along this nature.

The Court: All right.

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(148) RICHARD BERT MOSLEY, the defendant herein, called as a witness in his own behalf, having been first duly sworn by the Court Clerk, was examined and testified upon his oath as follows:

Direct Examination

By Mr. Ziemba:

Q. Will you state your name, please?

A. Richard Mosley.

Q. What is your age, Mr. Mosley?

A. 19.

Q. You were arrested on April 8th of 1971, were you, sir?

A. Yes, sir.

Q. What was your age on the date of your arrest?

A. 18.

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(149) Q. (By Mr. Ziemba): Did you talk to Sergeant Hill at any time on April 8th of 1971?

A. Yes, sir, I did.

Q. Did you talk to Sergeant Hill once or more than once on April 8th of 1971?

A. Just once.

Q. Do you recall at what time of the day it was that you spoke to Sergeant Hill?

A. It was about 5:35, because I remember looking at the clock.

Q. Do you remember where it was that you spoke to Sergeant Hill?

A. It was in some little room that he took me to.

Q. Do you know on which floor it was of the police headquarters?

A. No, I'm not sure.

Q. When—strike that, please.

Where did you first see Sergeant Hill on April 8th of 1971?

A. When he came to get me. He carried me downstairs.

Q. And where were you when he came to get you, sir?

A. I was locked up on the 9th floor.

(150) Q. Do you—I hand you, witness, People's Proposed Exhibit No. 2, and ask you, sir, whether you have ever seen that proposed exhibit before?

A. Yes, I did.

Q. And where did you see it for the first time?

A. On April the 8th, 1971.

Q. And was that at the time that Sergeant Hill spoke to you?

A. Yes. This is—yes, it was.

Q. Does your signature appear on that proposed exhibit?

A. Yes, sir.

Q. Did you sign it, sir, in Mr.—in Sergeant Hill's presence?

A. Yes, I did.

Q. Was that after you read this particular exhibit?

A. Yes, it was.

Q. And was it after Sergeant Hill explained the five points which appear on the exhibit?

A. Yes. Yes.

Q. Do you recall what Sergeant Hill said to you directly after he—after you signed this particular form which is (151) Proposed Exhibit No. 2?

A. Yes, I do.

Q. What did he say?

A. He told me Anthony Smith already made a statement, and that to go ahead, and if I go ahead and tell what I know, that I might get off light. That he would talk to the Judge to try to get it knocked down to Manslaughter.

Q. Did Sergeant Hill tell you what you were suspected of, or being investigated for?

A. Yes, he did.

Q. What did he say to you?

A. For Murder that was committed on Goethe and Hillger.

Q. Did he tell you what degree of murder you were charged with?

A. Yes, he did.

Q. What degree did he tell you?

A. First Degree.

Q. Did Sergeant Hill tell you anything about the penalty which attached to Murder in the First Degree if you were convicted?

A. Yes.

Q. What did he tell you?

A. He told me it carried life.

Q. Did Sergeant Hill tell you anything concerning the penalty which attached to the crime of Manslaughter if you were convicted of that?

(152) A. Yes, he did.

Q. What did he tell you?

A. He told me it carried up to a maximum of fifteen years, and that I can get probation.

Q. That you can get probation?

A. Yes.

Q. Did Sergeant Hill tell you, at the time we speak of, Mr. Mosley, anything about what Anthony Smith had told Sergeant Hill?

A. No. All I know is he just told me Anthony Smith had said I did—did—did—put everything on me, you know. That's all I can remember is that he told Anthony Smith that—he told me that Anthony Smith had put everything on me.

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Q. How did you feel is the question, Mr. Mosley?

A. I was confused after he told me Anthony Smith had made a statement and put it all on me.

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(153) Q. (By Mr. Ziemba): Were you afraid at all; were you frightened at all when Sergeant Hill was questioning you?

A. Yes, I was.

Q. Did you become frightened when Sergeant Hill had said Anthony Smith had put everything on you?

A. Yes, I was. And after he had told me that I were facing life, and that if I don't go ahead and tell what I know, that I would get life.

(154) Q. And that scared you,—

A. Yes.

Q. —is that right?

A. Yes, it did.

Q. And was that the reason that you made a statement to Sergeant Hill?

A. Yes, it was.

Mr. Ziemba: I have no further questions, your Honor.

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VOLUME NO. IV

(Session of February 7, 1972)

ORDER DENYING MOTION TO SUPPRESS CONFESSION

(5) The Court: All right, then the motion—I want the record to show that the Court has also done some research in this matter, and that I have researched this matter from the case of—I think it was Brown versus Mississippi, when the United States Supreme Court first applied the Fourteenth Amendment to state trials as to confessions.

And then we followed the cases from Chambers versus Florida, McNabb versus Tennessee, and Culombe versus Connecticut, which Justice Frankfurter wrote an extensive opinion.

And then we came to Haley versus Ohio, which dealt with a young man. And in the case of People versus Roberts, in the State of Michigan, and the People versus Hamilton.

And taking into the totality, the total circumstances surrounding this case, the People of the State of Michigan versus Richard Bert Mosley, the Court feels that the confession should not be suppressed, and, therefore, the motion is denied.

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OPINION OF THE MICHIGAN COURT OF APPEALS

(See pp 11-13 of Petition for Writ of Certiorari)

(Title omitted)

ORDER OF THE MICHIGAN COURT OF APPEALS

(See p 14 of Petition for Writ of Certiorari)

(Title omitted)

ORDER OF THE MICHIGAN SUPREME COURT DENYING APPLICATION FOR LEAVE TO APPEAL

(See pp 15-16 of Petition for Writ of Certiorari)

(Title omitted)

ORDER OF THE MICHIGAN SUPREME COURT DENYING APPLICATION FOR RECONSIDERATION OF DENIAL OF LEAVE TO APPEAL

(See pp 16-17 of Petition for Writ of Certiorari)

(Title omitted)